

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 23, 1998**

## DIVISION ONE

B114012      Taxe, et al.      (Not for Publication)  
v.  
Union Bank of California

The judgment is affirmed.

Masterson, J.

We concur: Vogel (Miriam A.), Acting P.J.  
Dunn, J. (Assigned)

B105823      Schmolder      (Not for Publication)  
v.  
Babin

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

B121718 People (Not for Publication)  
v.  
Zeghtchanian

The judgment is affirmed.

Masterson, J.

We concur: Vogel (Miriam A.), Acting P.J.  
Dunn, J. (Assigned)

November 23, 1998-Continued

## DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

B118115 People (Not for Publication)  
v.  
Brown

The judgment is affirmed.

Spencer, P.J.

I concur: Dunn, J. (Assigned)  
I dissent: Ortega, J.(Opinion)

DIVISION TWO

B121191 National Association of  
Forensic Accountants, Inc., et al. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Grobstein, Horwath & Company, r.p.i.)

Let a writ of mandate issue directing the superior court to set aside its order of March 18, 1998, denying petitioners' motion to stay or dismiss real party's action. On remand, the court is directed to either stay or dismiss the action.

Zebrowski, J.

We concur:   Boren, P.J.  
                      Fukuto, J.

DIVISION TWO (Continued)

B123594      Jose A., et al.                      (Not for Publication)

v.

Superior Court, Los Angeles County

(L.A County Department of Children and Family Services, r.p.i.)

Accordingly, the petition for writ of mandate is denied, and the order to show cause is dismissed.

Fukuto, Acting P.J.

We concur:    Nott, J.

                  Zebrowski, J.

B112718      Herminia Juarez                      (Not for Publication)

v.

Edward Juarez

The judgment is reversed and the matter remanded to the trial court with directions to calculate the parties' respective interests in the La Puente property, consistent with the views expressed herein. The parties to bear their own costs on appeal.

Boren, P.J.

We concur:    Nott, J.

                  Zebrowski, J

## DIVISION TWO (Continued)

[illegible]

The Court:

The judgment is affirmed. The clerk of the superior court is ordered to prepare an amended abstract of judgment which (1) does not purport to reflect an order that appellant submit to HIV testing pursuant to Penal Code section 1202.1; (2) does reflect the court's orders that appellant pay a \$5,000 restitution fine and victim restitution in an amount to be determined at the direction of the court (Pen. Code, § 1202.4, subd. (f)); and (3) describes the offenses in counts 1 and 2 as violations of Penal Code section 288, subdivision (a), lewd act upon a child under the age of 14 years. The clerk of the court is further ordered to forward a copy of the amended abstract of judgment to the Department of Corrections.

Boren, P.J., Fukuto, J., Zebrowski, J.

B121437      L&B Real Estate, et al.      (Certified for Publication)  
v.  
Superior Court, Los Angeles County  
(Barbara Schwab, r.p.i.)

The petition for writ of mandate is denied. The temporary stay is vacated. Petitioners to bear the costs of this petition.

Boren, P.J.

We concur:   Fukuto, J.  
                      Nott, J.

DIVISION THREE

B112088      People                                  (Not for Publication)  
v.  
Alfred Reliford

The judgment is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B116301 People (Not for Publication)  
v.  
Rafael Ajedo

The judgment is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B116174      People                                  (Not for Publication)  
v.  
Ricky Lee Ruiz

The trial court is ordered on remand either to impose or to strike the prior prison term enhancements in accordance with this opinion. The trial court is directed to prepare an amended abstract of judgment reflecting this modification and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

### DIVISION THREE (Continued)

B114291      People                                  (Not for Publication)  
v.  
Michael Barrow

The judgment of conviction is affirmed. The matter is remanded to the trial court for resentencing in light of the views expressed in this opinion. The clerk of the superior court is ordered to prepare a corrected abstract of judgment that will be forwarded to the Department of Corrections.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B117735 People (Not for Publication)  
v.  
Eduardo Nicholas Gomez

The judgment is affirmed. The abstract of judgment shall be modified to reflect defendant Gomez has been fined in the sum of \$1,000 pursuant to section 1202.4, subdivision (b), and the sum of \$1,000 pursuant to sections 1202.45. The clerk of the superior court is ordered to prepare a corrected abstract of judgment that will be forwarded to the Department of Corrections.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

## DIVISION FOUR

B117195      People                          (Certified for Publication)  
v.  
Montes

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The judgment of conviction is affirmed. The finding that appellant's prior convictions under sections 286 and 288a constitute strikes under the Three Strikes law is reversed. The case is remanded for resentencing.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Cooper (F.M.), J. (Assigned)

B124599      Los Angeles County, D.C.S.      (Certified for Publication)  
v.  
Elvis P.

The writ is granted and the trial court is directed to vacate its order terminating reunification services and setting the matter for a section 366.26 hearing, and to enter a new order continuing the section 366.22 hearing for a reasonable period during which petitioner is to receive additional reunification services. This decision is final as to this court immediately upon filing, pursuant to California Rules of Court, rule 24(d). The clerk of this court is directed to notify the clerk of the trial court forthwith of this decision, in accordance with California Rules of Court, rule 39.1B(r).

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Curry, J.

## DIVISION FOUR (Continued)

B114866 People (Not for Publication)  
v.  
Mack, Harris & Hudson

The judgments are modified to reflect that (1) each appellant is ordered to pay laboratory fees of \$50 (Health & Saf. Code, § 11372.5), (2) Hudson and Harris are each ordered to pay a restitution fine of \$600 (Pen. Code, § 1202.4, subd. (b)), (3) Mack is ordered to pay a restitution fine of \$1,000 (Pen. Code, § 1202.4, subd. (b)), (4) Hudson and Harris are each ordered to pay a parole revocation fine of \$600 (Pen. Code, § 1202.45), and (5) Mack is ordered to pay a parole revocation fine of \$1,000 (Pen. Code, § 1202.45). The clerk of the superior court is ordered upon issuance of the remittitur to prepare corrected abstracts of judgment as set forth in this opinion and to forward them to the Department of Corrections. The judgments are affirmed in all other respects.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B116268 People (Not for Publication)  
v.  
Feise

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B107782      Ebrahim      (Not for Publication)  
v.  
American National Insurance

The judgment is affirmed.

Curry, J.

We concur:   Vogel (C.S.), P.J.



November 23, 1998-Continued

Epstein, J.

## DIVISION FOUR (Continued)

[illegible]

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Curry, J.

## DIVISION SIX

B117600      Van Patter      (Not for Publication)  
v.  
County of Santa Barbara

The order denying the petition for relief under Government Code section 946.6 is reversed and the case is remanded for reconsideration by a different judge. On remand, the court may consider additional evidence offered by the parties, and may order the appointment of an expert witness under Evidence Code section 730 if such an appointment is deemed necessary.

Costs are awarded to appellant Van Patter.

Coffee, J.

We concur:   Stone, P.J.  
                      Yegan, J.

[illegible]

The judgment is affirmed. Respondents are awarded costs on appeal.

Coffee, J.

We concur:   Stone, P.J.  
                      Gilbert, J.

November 23, 1998-Continued

## DIVISION SIX (Continued)

B110631 Kelly (Certified for Publication)  
v.  
Vons Companies, Inc.

The judgment is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur:   Gilbert, Acting P.J.  
                      Yegan, J.

[illegible]

We remand for resentencing concerning counts 3 and 8, but otherwise affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

B122742 People (Not for Publication)  
v.  
Ross

The judgment is affirmed.

Coffee, J.

We concur:   Stone, P.J.  
                      Yegan, J.

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Stone, P.J.

We concur:    Gilbert, J.  
                             Yegan, J.

B122756 People (Not for Publication)  
v.  
Michel

The judgments are affirmed.

Coffee, J.

We concur:   Stone, P.J.  
                      Gilbert, J.

B121899 People (Not for Publication)  
v.  
Alfaro

The judgment is affirmed.

Gilbert, J.

We concur:   Stone, P.J.  
                      Coffee, J.

## DIVISION SEVEN

[illegible]

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.  
Woods, J.

B117945 People (Not for Publication)  
v.  
Hernandez

The judgment is modified by adding an additional \$1,000 restitution fine, which is suspended unless and until appellant's parole is revoked; adding a \$200 fine pursuant to Penal Code section 290.3, subdivision (a); adding a \$200 state penalty assessment pursuant to Penal Code section 1464, subdivision (a); (4) adding a \$140 county penalty assessment pursuant to Government Code section 76000, subdivision (a); and adding an order requiring appellant, upon his release from prison, to register as a sex offender pursuant to Penal Code section 290, subdivision (a). As modified, the judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.  
Woods, J.